

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 * * *

9
10 ROBIN M. LEE,

11 Plaintiff,

12 v.

13 WALTER A. DODS, JR., *et al.*,

14 Defendants.

Case No. 2:13-cv-01779-MMD-GWF

ORDER ACCEPTING REPORT AND
RECOMMENDATION

15 Before the Court is the Report and Recommendation of United States Magistrate
16 Judge George Foley, Jr. ("R&R") (dkt. no. 2) recommending the Court dismiss Plaintiff
17 Robin M. Lee's Complaint. Objections were due by March 29, 2014, but no objection
18 was filed.

19 This Court "may accept, reject, or modify, in whole or in part, the findings or
20 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely
21 objects to a magistrate judge's report and recommendation, then the court is required to
22 "make a *de novo* determination of those portions of the [report and recommendation] to
23 which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however,
24 the court is not required to conduct "any review at all . . . of any issue that is not the
25 subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth
26 Circuit has recognized that a district court is not required to review a magistrate judge's
27 report and recommendation where no objections have been filed. *See United States v.*
28 *Reyna Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review


1 employed by the district court when reviewing a report and recommendation to which no
2 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.
3 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna Tapia* as adopting the view that
4 district courts are not required to review "any issue that is not the subject of an
5 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
6 the court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F.
7 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
8 which no objection was filed).

9 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
10 determine whether to adopt the R&R. The R&R recommends dismissal of the Complaint
11 with prejudice because the Complaint is "premised on irrational, wholly incredible, and
12 frivolous fact scenarios" and cannot be cured by amendment. (Dkt. no. 2 at 2.) The Court
13 agrees. Upon the review of the filings and the record, the Court determines that the R&R
14 should be adopted and the Complaint dismissed.

15 It is therefore ordered that the Report and Recommendation of Magistrate Judge
16 George Foley, Jr. ("R&R") (dkt. no. 2) is accepted and adopted in its entirety. The
17 Complaint is dismissed with prejudice.

18 The Clerk is ordered to close this case.

19 DATED THIS 27th day of June 2014.

20
21
22 
23 MIRANDA M. DU
24 UNITED STATES DISTRICT JUDGE
25
26
27
28